

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

In this action for declaratory relief, abuse of process, unfair competition, and breach of contract, the parties have moved for summary judgment or summary adjudication or to dismiss. The motion for summary judgment or summary adjudication by Plaintiff E. & J. Gallo Winery has been set for hearing on April 3, 2006, at 1:30 p.m. The corresponding motion to dismiss by defendant Andina Licores S.A. (“Defendant”) was moved to the same date by previous order of the court. The court has examined the materials submitted by the parties and has determined that additional time will be required for the court to give full consideration to the issues raised. Given the additional time required for the full consideration of the parties’ submissions and given the court’s need to manage its docket, the court finds it must also reschedule the trial date currently set for May 23, 2006 to August 15, 2006, with the date for the pretrial conference to be reset to July 20, 2006.

Pursuant to Local Rule 78-230(h), the motion for summary judgment and motion to

1 dismiss currently before the court will be taken under submission as of April 3, 2006, and the  
2 court will thereafter determine if oral argument is warranted. The parties will be provided at  
3 least ten (10) days notice of any date set for oral argument on the motions for summary  
4 judgment.

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6 THEREFORE, it is hereby ordered that the hearing date of April 3, 2006, is  
7 VACATED and no party shall appear at that time. As of April 3, 2006, the court will take  
8 the motions under submission and will thereafter render a decision or schedule oral argument  
9 as the court deems appropriate. The dates currently set for pretrial conference and jury trial,  
10 April 4, 2006, and May 23, 2006, respectively, are hereby VACATED and no party shall  
11 appear at those times. The pretrial conference is hereby RESCHEDULED for July 20, 2006,  
12 at 8:30 a.m. in courtroom 2. The jury trial is hereby RESCHEDULED for August 15, 2006,  
13 at 8:30 a.m.

14  
15 IT IS SO ORDERED.  
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17 Dated: March 29, 2006  
h2ehf

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE